

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

Donnell Lewis Jr.

Plaintiff/Petitioner(s),

-VS-

(1) Mearl Justus; (2) P. McLaurin
; (3) Lieutenant Ray; (4) Xavier
Blackburn. All defendants
are sued in their individual
Defendant/Respondent(s).
and official capacity.

Docket No.

(To be supplied by the Clerk)

☒ CIVIL RIGHTS COMPLAINT
pursuant to 42 U.S.C. §1983
(State Prisoner)

☐ CIVIL RIGHTS COMPLAINT
pursuant to 28 U.S.C. §1331
(Federal Prisoner)

☐ CIVIL COMPLAINT
pursuant to the Federal Tort Claims
Act, 28 U.S.C. §1346, 2671-2680

FILED
NOV 12 2008
CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

I. JURISDICTION

A. Plaintiff's mailing address and/or register number and present place of confinement.

Donnell Lewis #05438-025 is a federal Prisoner
being detained at the ST. Clair Co. Jail 700 N. 5th ST. Belleville, IL

B. Defendant Mearl Justus is employed as

(Name of First Defendant)

"Sheriff"

(Position/Title)

with The ST. Clair County Jail, 700 N. 5th ST.

(Employer's Name and Address)

Belleville, IL 62220

At the time the claim(s) alleged in this complaint arose, was the defendant employed by the state, local or federal government?

Yes (☒)

No ()

If your answer is "yes", briefly explain:

As the Sheriff of the ST. Clair County Jail,
Mearl Justus is employed by the State.

C. Defendant P. McLaurin is employed as
 (Name of Second Defendant)
Superintendent
 (Position/Title)
 with The St. Clair County Jail; 700 Nth 5th St.
 (Employer's Name and Address)
Belleville, IL 62220

At the time the claim(s) alleged in this complaint arose, was the defendant employed by the state, local or federal government?

Yes (☒) No ()

If your answer is "yes", briefly explain:

As the Superintendent of the St. Clair Co. Jail, P. McLaurin is employed by the State.

D. Using the outline of the form provided, include the above information for any additional defendant(s).

Lieutenant Ray is employed as a Lieutenant with the St. Clair Co. Jail located 700 N. 5th St. Belleville, IL 62220. As a Lieutenant of the St. Clair County Jail, L.T. Ray is employed by the State

Officer Xavier Blackburn is a correctional officer at the St. Clair Co. Jail located at 700 N. 5th St. Belleville, IL 62220. As a correctional officer at the St. Clair Co. Jail, He is employed by the the State.

II. PREVIOUS LAWSUITS

A. Have you begun any other lawsuits in state or federal court relating to your imprisonment?

Yes () No (☒)

B. If your answer to "A" is "yes", describe the lawsuit(s) in the space below. (If there is more than one (1) lawsuit, you must describe the additional lawsuits on another sheet of paper, using the same outline.) Failure to comply with this provision may result in summary denial of your complaint.

N/A

1. Parties to previous lawsuits:
Plaintiff(s) N/A

Defendant(s) N/A

2. Court (if Federal Court, name the District; if State Court, name the County)
N/A
3. Docket number N/A
4. Name of Judge to whom case was assigned N/A
5. Type of case (for example: Was it a Habeas Corpus or Civil Rights action?)
N/A
6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?)
N/A
7. Approximate date of filing lawsuit N/A
8. Approximate date of disposition N/A

III. GRIEVANCE PROCEDURE

- A. Is there a prisoner grievance procedure in the institution? Yes
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure?
Yes (☒) No ()
- C. If your answer is "yes",
 1. What steps did you take? I wrote up Officer Xavier Blackburn and sent one copy along with a captain's request to Lt. Ray, and another copy to Superintendent McLaughlin.
 2. What was the result? No response from either party, although after confronting Lt. Ray, she informed me that she had received my write-up.
- D. If your answer is "no", explain why not. N/A



Note: This was the second time that I submitted an administrative remedy
 ST. CLAIR COUNTY SHERIFF'S DEPARTMENT
 REQUEST- COMPLAINT FORM



Name Donnell Lewis Number 26621 Block C Date 11-5-08

Request/ Complaint: I was brutally attacked by Officer
Xavier Blackburn for no apparant reason.

Please note that this is my second time addressing
this issue via Captains request.

See attached.

Signature Donnell Lewis Date 11-5-08

Officers actions:

Signature _____ Date _____

Supervisors Actions:

Signature _____ Date _____

Admin Action:

Signature _____ Date _____

NOTE. Copy of the warrant that I submitted through the inmate's grievance procedure. I forwarded a copy to Lt. Ray and Superintendent P. McLaurin on Oct. 9. I submitted another copy to Superintendent P. McLaurin on Nov. 5. I have yet to receive a response.

10 Whom It Concerns:

NOTE: REQUEST FOR AN ADMINISTRATIVE REMEDY

On Wed. Oct. 26, 2008, in response to a Federal warrant that was issued for my arrest for a federal probation violation, I surrendered myself to Deputy Sheriff Gamers. I was brought to the St. Clair Co. Jail.

Myself, along with four other inmates were being dressed out Thursday night at approximately 7:00 pm by officer Xavier Blackburn. In a very humble manner, I inquired about the legal material that I brought along with me. Officer Blackburn snapped that I'll get it later. At that time, being ignorant of this institution's procedures of operations, I responded by stating, in an unprovocative manner, that I have a right to my legal material, and that I'll

(2)

call the Marshals.

Officer Blackburn informed me in a belligerent manner that the Marshals don't run a mother fuckin thing here. He walked up behind me as we stood naked with our hands on the wall and grabbed me with both hands by my neck. He threw me across the room by my neck, and with open hands hit me in my face two times. He grabbed me by my neck again and shoved me in a holding cell in booking.

I began to hyperventilate as I was unable to catch my breath. As I regained consciousness, I saw a nurse approaching. She checked my vital signs and left. I remained in booking for 15 minutes completely naked until a young black female officer noticed me standing there totally exposed. After her

(3)

inquiries, I was dressed out and placed in the visiting room by Officer Blackburn for approximately 2 hours before being placed in a cell-block.

Blackburn's display of aggression was unprofessional and barbaric, as I have learned is his M.O. He used very excessive force and subjected me to cruel and unusual punishment. He humiliated me. I am suffering neck pain to this day as a result of his ferocious attack. I am experiencing nightmares and fantasizing of retaliation; a traumatic experience indeed.

In addition to video surveillance, I have four witnesses. I have already informed the Marshals and Assistant State's Attorney Rachel Becker Rouse of my ordeal. I am preparing to write Superintendent McCellan as well.

My father was formerly

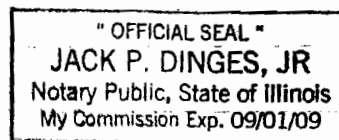
(4)
the Precinct Committeeman
for the 7th Precinct. He is
currently the President of the
Rush-City Improvement Associa-
tion and has strong political
ties. I expect immediate
disciplinary action to be taken
against Blackburn.

I am prepared to go
to the extreme just as
he did.

You will hear from an
attorney shortly, as well as
S.C.A.O.S.

Sincerely,
Donnell Lewis

sworn to before me this 9th day of Oct.
2008



Jack P. Dinges, Jr.
notary public

E. If there is no prisoner grievance procedure in the institution, did you complaint to prison authorities? Yes (☒) No ()

F. If your answer is "yes",

1. What steps did you take? Even though I wrote up Officer Blackburn, and presented my write-up through the prisoner grievance process, I complained to LT Ray verbally as well.
2. What was the result? She informed me that she had read my complaint, but had not made a decision, that was approximately one month ago.

G. If your answer is "no", explain why not. N/A

H. Attach copies of your request for an administrative remedy and the response(s) you received. If you cannot do so, explain why not:

I am unable to provide a copy of the response because after approximately one month LT Ray nor Superintendant P. McLaughlin has responded.

IV. STATEMENT OF CLAIM

State here, as briefly as possible, the FACTS of your case. State who, what, when, where and how you feel your constitutional rights were violated. Do not cite cases or statutes. If you choose to submit legal arguments or citations, you must do so in a separate memorandum of law. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. If your claims relate to prison disciplinary proceedings, attach copies of the disciplinary charges and any disciplinary hearing summary as exhibits.

Only two (2) extra pages (8 1/2 x 11") are permitted, if necessary, to complete your statement of claim. Additionally, attach any relevant, supporting documentation.

On Wed. Oct 26, 2008, in response to a Federal Warrant that was issued for my arrest for a Federal Parole violation, I surrendered myself. I turned myself in to Deputy Sheriff Lammers. I was transported to the St. Clair County jail.

Myself, along with 4 other inmates were being dressed out Thursday night at approximately 7:00pm by Officer Xavier Blackburn. In a very humble manner, I inquired about the legal material that I brought along with me. Officer Blackburn informed me that it would be placed in my property. I responded, in an unprovocative manner, that I have a right to my legal material, and that I would call the Marshalls for assistance. Officer Blackburn seemed to have lost control at that point;

he informed me that the Marshalls don't run a Mother F-- King thing here. He then walked up behind me, as we stood naked with our hands on the wall, and without warning, he grabbed me by my neck with both of his hands cutting off my air. He then threw me across the room by my neck. I landed back turned to ~~him~~ him, facing a table. As I turned around, he was charging me swinging. He hit me multiple times in my face. The other inmates stood there naked in disbelief. At this time, I was barely conscious when he again grabbed me, with both hands, by my neck. He and officer Simms then shoved me in a holding cell in booking. I sat down on the bench in the cell, barely breathing. I began to hyperventilate as I was unable to catch my breath. I fell to the floor fluctuating in and out of consciousness, thrashing at the mouth, barely able to plead for medical attention.

As I was regaining full consciousness, I saw a nurse approaching. The nurse (Sandy) checked my vital signs and left. Officer Blackburn left me in that cramped, cold cell in booking totally naked, injured, and humiliated. At that time, officer Evans entered the booking area and noticed me standing there totally exposed. After her inquiries, I was finally dressed out, but for some reason Blackburn locked me in the visiting room for at least one hour before placing me in a cell block. I never received any type of write-up or segregation time which would have been procedure had I violated a rule or regulation of the St. Clair County Jail. See St. Clair Co. Jail Detainee Rules and Regulations Guide, Sec. I, pg. 3-6. "I never resisted or provoked the defendant in anyway. I did not violate any of the institutions rules or reg. I spoke to the defendant very respectfully as an authority figure, even after he disrespected and humiliated me."

Blackburn's display of lack of self control was unmotivated, unpredictable, unprofessional, and barbaric, as I have learned is his M.O. He appears to suffer from Post Traumatic Stress Disorder. It is rumored that he is always armed w/ off steroids.

What frightens me most of all is that the entire staff and inmate population, here at the St. Clair County Jail, are aware of the defendant's unscrupulous tactics.

I have acquired the names of other inmates who allege that they have either been attacked by the defendant or witnessed him attacking someone else.

Blackburn used very excessive and unnecessary force. He subjected me to very cruel and unusual punishment. To this day, I am suffering severe neck pain, experiencing nightmares and daydreaming of retaliation; a traumatic experience indeed.

In addition to video surveillance, I have four eyewitnesses in support of my

allegations. I have informed my federal P.D.; Todd Shultz, and Assistant State's Attorney; Rachel Rouse of my horrible ordeal. I have sent both LT Ray and Superintendent; P. McLaurin, approximately one month ago, copies of my complaint to no avail.

I have also wrote the Belleville News Democratic, as well as my sentencing Judge; The Honorable William Stiehl. To feel compelled to expose this brutal conspiracy that is taking place at the St. Clair County Jail.

At present, I am preparing to contact Channel 4's investigative News team.

I have received pain killers "I B Profin, and Motrin 800 mg for my neck pain, but both of those pain killers are too harsh on my stomach.

My X-Ray results revealed injuries, according to St. Clair County's medical staff they are degenerative in nature; nevertheless, I have never experienced pain in my neck until after I was attacked by Blackburn.

I solemnly swear to these allegations. As God is my witness every word that I have penned is the truth; Amen.

Respectfully, Donnell Lewis Jr.

Claim One: The violation of the Plaintiff's 8th Amendment under the U.S. Constitution. The attack and use of excessive force by defendant Blackburn against the Plaintiff was unnecessary and wanton, and inflicted pain on the plaintiff amounting to cruel and unusual punishment in violation of the 8th Amendment. The force was applied maliciously and sadistically for the very purpose of causing harm.

Claim Two: Negligence under state law. Defendants have a duty to carry out, and by failing to do their job, failure to train, failure to supervise, failure to respond to plaintiff's request to staff, they breached that duty and caused injury to the plaintiff by their breach.

Claim Three: Assault and Battery under state law. Defendant Blackburn's action were without lawful authority, making physical contact of an insulting or provoking nature with plaintiff and causing harm to plaintiff constituting an Assault and Battery under state law.

Claim Four: Breach of Contract. The Plaintiff is a third-party beneficiary of St. Clair County Jail's contract with the U.S. Marshals. The contract shows language and circumstances which manifest an affirmative intent to benefit a third party — namely, plaintiff. The Contract calls for the housing and safekeeping of plaintiff.

V. REQUEST FOR RELIEF

State exactly what you want the Court to do for you. If you are a state or federal prisoner, and seek relief which affects the fact or duration of your imprisonment (for example: illegal detention, restoration of good time, expungement of records or parole release), you must file your claim on a Habeas Corpus form, pursuant to 28 U.S.C. §2254, 28 U.S.C. §2255, or 28 U.S.C. §2241.

The Plaintiff is requesting monetary relief from all defendants jointly and severally for compensatory damages, pain and suffering, humiliation, emotional damage, and mental suffering.
Also the Plaintiff requests monetary relief from all defendants for punitive damages; and such other relief as this court deems proper, just and necessary.

VI. JURY DEMAND (check one box below)

The plaintiff does ☒ does not ☐ request a trial by jury. (See Fed.R.Civ.P. 38.)

DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

I, the undersigned, certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11(a) and (b) may result in sanctions, monetary or non-monetary, pursuant to Federal Rule of Civil Procedure 11(c).

The plaintiff hereby requests the Court issue all appropriate service and/or notices to the defendant(s).

Signed this 5 day of Nov., 2008.

Donnell Lewis

Signature of Plaintiff

Signature of attorney, if any